

Before the  
Administrative Hearing Commission  
State of Missouri



FORT ZUMWALT R-II  
SCHOOL DISTRICT,

Petitioner,

vs.

DEPARTMENT OF SOCIAL SERVICES,  
MISSOURI MEDICAID AUDIT AND  
COMPLIANCE UNIT,

Respondent.

No. 13-1010 SP

**DECISION**

We dismiss the complaint filed by Fort Zumwalt R-II School District (“Fort Zumwalt”) because the amount of reimbursement requested is less than \$500.00. We lack jurisdiction to hear it.

**Procedure**

On June 4, 2013, Fort Zumwalt filed a complaint appealing the denial of its claim for reimbursement of Medicaid funds in the amount of \$199.00 by the Department of Social Services, Missouri Medicaid Audit and Compliance Unit (“the Department”). On July 15, 2013, the Department filed a motion to dismiss based on the information in the complaint. We gave

Fort Zumwalt until July 30, 2013, to respond to the motion, but it did not respond. We find the following facts undisputed.

### **Findings of Fact**

1. Fort Zumwalt provided school-based therapy services through its employee or agent, Monica Ann Bradshaw, a speech language pathologist.
2. Fort Zumwalt billed Medicaid for Bradshaw's professional services in the total amount of \$199.00. The Department reimbursed Fort Zumwalt for the professional services.
3. The Department requested a refund of this money on May 15, 2013, and Fort Zumwalt appealed that request by filing this complaint.

### **Conclusions of Law**

The Department argues that we do not have jurisdiction over this case because the amount in controversy is less than \$500.00. If we have no jurisdiction to hear the petition, we cannot reach the merits of the case and can only exercise our inherent power to dismiss.<sup>1</sup>

Our jurisdiction in Medicaid cases is set forth in § 208.156.2,<sup>2</sup> which states:

Any person authorized under section 208.153 to provide services for which benefit payments are authorized under section 208.152 whose claim for reimbursement for such services is denied or is not acted upon with reasonable promptness shall be entitled to a hearing before the administrative hearing commission pursuant to the provisions of chapter 621, RSMo.

However, our jurisdiction is limited by § 208.156.6, which states:

No provider of service may file a petition for a hearing before the administrative hearing commission unless the amount for which he seeks reimbursement exceeds five hundred dollars.

Fort Zumwalt's appeal involves \$ 199.00, an amount under \$500.00. This does not mean that Fort Zumwalt has completely lost its right to appeal this claim; it just cannot pursue it at this

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<sup>1</sup>*Oberreiter v. Fullbright Trucking*, 24 S.W.3d 727, 729 (Mo. App., E.D. 2000).

<sup>2</sup>Statutory references are to RSMo 2000.

time. Section 208.156.8 states that “claims of less than five hundred dollars may be accumulated until they total that sum and at which time the provider shall have ninety days to file his petition.”

Because the amount in controversy is less than \$500.00, we have no jurisdiction to hear this appeal at this time. We grant the motion to dismiss.

### **Summary**

We dismiss this case because we lack jurisdiction to hear it.

SO ORDERED on August 1, 2013.

*\s\ Sreenivasa Rao Dandamudi* \_\_\_\_\_  
SREENIVASA RAO DANDAMUDI  
Commissioner